
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates' Courts Rules 1981 in four respects.

Rule 2 provides that Saturdays shall not count towards the period of 4 days from the date of committal of a person for trial, within which period rule 11(2) of the 1981 Rules requires the clerk of the magistrates' court that committed him to send relevant documents and exhibits to the Crown Court.

Rule 3 removes from rule 54 of the 1981 Rules the provision that if the tools and implements of the trade of a person against whom distress is levied exceed £150 in value, then such of those tools and implements may be taken under a warrant of distress as will leave in that person's possession tools and implements of his trade to the value of £150.

Rule 4 amends rule 72 of the 1981 Rules by providing that service on any person of a notice of intention to cite previous convictions under section 104 of the Magistrates' Courts Act 1980 or section 13 of the Road Traffic Offenders Act 1988 may be effected by sending it by first class post addressed to him at his last known or usual place of abode.

Rule 5 amends rule 99(2) of the 1981 Rules by providing that where a summons in respect of a summary offence is sent to a person by post, it shall not be necessary, in order to prove service of the summons, to prove that the summons came to his knowledge.

Rule 6 amends form 145 in the Magistrates' Courts (Forms) Rules 1981 in consequence of rules 4 and 5 of these Rules.